

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 18, 2008**

The City Council of the City of Leon Valley, Texas, met on the 18th day of November 2008 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order at 7:00 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Dean, and Nelson. Mayor Riley announced that Councilmember Baldrige was absent and the absence was excused.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, Police Chief Wallace, City Accountant Wallace, Public Works Director Vick, Assistant Public Works Director Stolz, Community Development Director Flores, Economic Development Director Ryan, and City Attorney McKamie were also present.

Mayor Riley asked Travis Nelson to lead the assembled group in the pledge of allegiance.

Presentation of twenty-five year service award to Fire Captain John J. Bailey and Fire Engineer Douglas Godfrey (Mayor Riley).

Mayor Riley announced that Fire Engineer Godfrey would not be able to accept his award to night due to illness, and the presentation of his award will be postponed. She also asked Council if the presentation for Captain Bailey could also be delayed, as Captain Bailey was on duty and had been called out on an emergency.

She also announced that Agenda Item # 17 will be postponed at the request of the City Attorney.

Proclamation honoring resident Evelyn Scarborough in appreciation for her service to the community and the honor of having a new N.I.S.D. school named for her (Mayor Riley).

Mayor Riley congratulated Mrs. Scarborough for her dedicated service to the community as a special education counselor and coordinator for 32 years with the Northside Independent School District. Mayor Riley reported on the ceremony held the week before at the new Scarborough Elementary School's dedication in honor of Mrs. Scarborough.

Ms. Scarborough thanked everyone for their support and she expressed her appreciation for the proclamation.

Presentation of the annual status report by the Community Events Committee.

Chair Lydia Stahl addressed Council to report on the activities the Community Events Committee completed in 2008 and the planned events for 2009. She reported that the Committee had 16 members, who worked on six public events, and three preparatory work

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sessions. She stated that the committee meets the 3rd Wednesday of each month. She described the events of FY 07-08 and which are planned to be repeated in FY 08-09 including: the Los Leones Student Art Festival with Northside Independent School District, the Annual Holiday Lighting Event, The Winter Holiday Concert, Xeriscape/Beautification Contest, the Independence Day Parade and festivities, and the Grandparents' Day Concert. She reported that some committee members work on the planning committee and the events, and some of the volunteers work only at the events. She thanked all the committee members and Council for their support. Mayor Riley recognized all the committee members and thanked Ms. Stahl and the committee for their work.

Report on recycling programs from Waste Management's Albert Perez.

Albert Perez, from Waste Management, Inc. addressed Council to report that their recycling processors are no longer paying for recycling material as of October 1, 2008. He stated that Waste Management is still accepting the materials and it is anticipated after January 1st, the market for recycling will be back on target. Mayor Riley clarified that this meant that revenue to the City will also be cut, and Mr. Perez confirmed that.

Mr. Perez also stated that a call from a resident about having large containers for recycling prompted his second issue. He displayed a flyer with a new large 95-gallon green and yellow wheeled container which residents can request. He stated that the monthly charge for this new container will be \$4.00 extra per month. Mr. Perez also confirmed that a cost of living clause is built into their contract with the City which will increase refuse collection rates on the anniversary of the contract in January 2009. He added that customers can request to have their large refuse can exchanged for a large recycling can through Waste Management.

Councilman Reyna asked for clarification on the recycling of plastic bags. Mr. Perez reported that their new processors recycle the plastic bags.

City Manager Lambert thanked Mr. Perez for his good customer service with the company's actions in response to a request by resident Bob Smith for larger recycling containers.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed from that agenda for further discussion. Hearing no requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

Resident Liz Maloy addressed Council about her concerns that the City wishes to dedicate the wilderness as parkland. She stated that she was pleased to see that there is some interest in putting this land under the auspices of the Park Commission. She explained that it had been recommended in the past against dedicating the land as park land, because you cannot use that same land later as the City's match when applying for shared cost grants. Secondly, she asked if the City would work toward requesting one zip code for all of Leon Valley so that all could use the Leon Valley post office on Huebner Road. She explained that residents who live east of Evers Road must go to the post office at I.H. 10 and Huebner Roads to collect their packages and mail when there is a post office in Leon Valley within a mile of their home.

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Resident Al Uvietta reported on progress of work being done under the Texas Parks and Wildlife trails grant. He reported that walkers are complimentary of the bridge and trail material connecting Forest Oaks with the Library and Park areas. Mayor Riley stated that the trail as it becomes a crosswalk over Evers Road by the Library needs to be better defined. Mr. Uvietta stated that when the trail is completed, the crossing will be well defined.

Leon Valley Area Chamber of Commerce member Shirley Owen congratulated Council and the City for passing their Economic Development sales tax and asked Council to consider appointing a member of the Chamber on the Economic Development Corporation.

Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley asked for a motion to approve the following Consent Agenda items:

Consent Agenda

Consider action to approve minutes of the Regular City Council Meeting of November 4, 2008 and the minutes of the Special City Council Workshop Meeting of November 8, 2008 (Feutz).

Consider action on M&C # 11-02-08 with attached ordinance - a request for approval of a budget adjustment for FY 2008 rollover funding for Self Contained Breathing Apparatus for invoice not received until FY 2009 (\$13,200) (Chief Irwin).

Consider action on M&C # 11-03-08 - a request to amend the contract with Viking Construction for the 2008 Slurry Seal Project, for administrative housekeeping purposes (Vick).

Consider action on an ordinance to appoint a member to the Community Events Committee (Adekoye Sanni) and a member to the Earthwise Living Committee (Michelle McKenna) (Mayor Riley).

A motion was made by Councilman Reyna, seconded by Councilman Manea, to approve the Consent Agenda Items as listed above. Upon vote, Mayor Riley announced that the motion carried and all Consent Agenda items were approved.

Regular Agenda

Consider action on M&C # 11-04-08 - a request by Ali Khalil, owner of \$5 Carwash for a variance to Chapter 5, "Signs," Section 5.3.3, "Free-Standing Signs," to allow two (2) free-standing sign poles with the addition of an LED sign on less than 250-feet of frontage at 6780 Bandera Road (Flores).

Community Development Director Flores addressed Council giving the particulars of the variance request stating that currently there are two free-standing pole signs on the \$5 Car Wash business property and the variance requests that two free standing sign poles with the addition of an LED sign on less than 250-feet of frontage at 6780 Bandera Road. She explained that the property is only 200 feet; therefore, one sign pole is non-conforming and with the request for an LED sign pole the other sign pole's protection, under the non-conforming use requirements of the Code, requires Council to approve the variance or the existing sign and

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pole must be removed. She reviewed the reasons for variances according to the code and showed photos of the business site.

The applicant, Ali Khali, business owner and business manager, Curtis Herbsled, addressed Council stating that a similar business has recently installed this same type of LED sign and his business has increased significantly. He requested favorable approval of the sign variance. He stated that he would, if required by Council as a condition to getting his LED sign, he would remove the \$5 Car Wash sign atop one pole, but that he did not want to do that. He stated that ideally, he wants to add the LED sign and keep the \$5 Car Wash sign.

Following discussion, the applicant suggested that if he gets rid of one \$5 Car Wash, he will want to get a large LED sign and Council expressed their hesitation about approving additional signs and needing more information.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to postpone action on the variance request until December 2, 2008 when more information can be received from the requestor. Mayor Riley also asked that the applicant provide a timeline for when the new signs will be completed. Councilmember Nelson requested clarification of the distance between each sign at the next meeting. Upon vote, Mayor Riley announced the variance request would again be considered at the meeting on December 2, 2008.

Councilman Reyna made a motion to suspend the order of business to return to Agenda Item #2 to make the twenty-five year service award to Fire Captain John J. "Jeff" Bailey. The motion was seconded by Councilmember Dean.

Presentation of twenty-five year service award to Fire Captain John J. Bailey (Mayor Riley).

Mayor Riley presented the twenty-five year award, a gold watch, to Captain "Jeff" Bailey. She also presented him a certificate of recognition for his service to the City. Mayor Riley reviewed Captain Bailey's service certifications, education, and other professional accomplishments. Captain Bailey thanked everyone and announced he planned to stay and serve for more years. Chief Irwin and Assistant Fire Chief Lee also thanked Captain Bailey and complimented his record of service. Other members from the Fire Department, Firefighter/Paramedics Prado and Paulini expressed their appreciation for their Captain and expressed their pride in working under Captain Bailey.

Consider action on M&C #11-05-08 with attached ordinance - a request for approval for adopting and enacting a new Code of Ordinances; providing a penalty for the violation thereof; providing for the amendment of such code; and providing when such code and this ordinance shall become effective (Feutz).

City Secretary Feutz addressed Council presenting the new Code of Ordinances and reminding everyone how Council approved Franklin Legal Publishing to codify the existing codes to a more user friendly resource. She reviewed the process and explained that the new Code of Ordinances includes ordinances approved by Council since the last codification and ordinances to include those approved by Council up until April 15, 2008. She explained that in January 2009, the final ordinances of 2008 between April 15, 2008 - December 31, 2008. Ms. Feutz

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provided information on the new 14 chapters versus the existing 36 chapters of the revised Code and explained and demonstrated samples of the new Appendices for fees, Ordinance Disposition Table, Code Comparative Table, and an Index. Ms. Feutz explained that the code will be available for everyone to see on the City's website in a few weeks and hard copies would be placed in the library, City Secretary's office, and other areas so that the public can better access the Code.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the ordinance adopting and enacting a new Code of Ordinances as requested. Upon unanimous vote, Mayor Riley announced the ordinance was approved. Mayor Riley thanked staff for their work.

Consider action on M&C # 11-06-08 - a request to extend the area of notification to property owners outside of the required 200 feet for a proposed zoning case which is scheduled to be considered by the City Council at a public hearing on December 2, 2008. This zoning case involves a proposed mixed use development at the corner of Evers and Huebner Roads and is to also be considered by the Zoning Commission on November 25, 2008 (Flores).

Community Development Director Flores addressed Council stated that Resolution 05-002 approved by City Council on March 1, 2005 authorizes the City Council to determine additional notification requirements for specific platting, zoning and land use cases that may be presented to Council for consideration. She stated that it requires a majority vote by City Council to direct staff to provide additional notification to the public in excess of the requirements provided by law. Ms. Flores stated that Zoning Case #08-381 is scheduled for a public hearing before the Zoning Commission on November 25, 2008 and before the City Council on December 2, 2008. A town hall meeting held on August 5, 2008 regarding a mixed use proposal and shortly after that meeting a written notice with 91 signatures was received in opposition to the case. Ms. Flores stated that for the town hall meeting, residents of Pavona Place, Grass Valley, and Canterfield Units I, II, and IV were notified of the meeting.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilman Manea, to notify the same property owners as were notified for the August 6, 2008 town hall meeting. Upon vote, Mayor Riley announced the notification area extended to include the residents originally notified for the August 6, 2008 Town Hall meeting for Zoning Case #08-381.

Consider action on M&C # 11-07-08 with attached ordinance - amending City Code Chapter 6 "Health and Sanitation," by adding new Article 6.05 "Smoking" and providing for a penalty of not more than \$2,000 with each day of any violation of this ordinance constituting a separate offense (Flores).

Community Development Director Flores addressed Councils stating that staff was asked to create a Smoking Ordinance for the City. She explained that during the work, research discovered existing Ordinance #1212, approved by City Council in 1987, and Ordinance #1400, approved in 1991. These ordinances were reviewed by the Zoning Commission and they recommended the ordinance be added to the new Code of Ordinances to incorporate smoking regulations and prohibitions into the City Code. Ms. Flores provided a general overview of prohibitions and regulations of the ordinance.

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Following discussion on the maximum fine for penalties, the City Attorney confirmed that in line with the new Code of Ordinance's general penalties, the maximum fine of \$2,000 could be allowed with an amendment to a motion on the ordinance.

A motion was made by Councilman Reyna, seconded by Councilman Manea, to approve the Ordinance (Ord. No. 08-053), amending Chapter 6, "Health and Sanitation" of the Leon Valley City Code to add Article 6.05 "Smoking Regulation" and to amend the maximum penalty to "not more than two thousand dollars (\$2,000)." Upon unanimous vote, Mayor Riley announced the ordinance approved, as amended.

Consider action on M&C # 11-08-08 with attached ordinance - a request to repeal and replace Article 8.07, "Noise" of the Leon Valley City Code, Chapter 8 "Offenses and Nuisances," to create a new Article 8.07, "Noise and Sound Level Regulation," and prescribing penalties of a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first offense and a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the second offense and subsequent offenses (Chief Wallace).

Police Chief Wallace addressed Council stating that Councilmember Nelson has requested a review of the current Noise code. He stated that the current ordinance language defines a noise disturbance as any unreasonably loud, disturbing or unnecessary noise created or permitted that causes material distress, annoyance, discomfort and injury to any person of normal nervous sensibility. Chief Wallace explained that the proposed new Article 8.07 "Noise" will contain definitions for daytime and night time, property lines for single occupants, and shared occupants, and what is prohibited noise to include prohibiting noise that exceeds the maximum permitted sound levels which exceed 70 dB(A) during the daytime hours and 65 dB(a) during nighttime hours. He explained how the methods for sound level measurement, and exemptions. He explained that the Police Department will need to purchase ten Type 1 or 2 calibrated sound measurement devices at a cost of approximately \$277.00 each and he stated that the funding will come from the Forfeiture Seizure fund. The Chief demonstrated noise and the sound measurement devices so that Council could see how loud a noise would be heard as to register within the prohibited range.

Councilmember Nelson asked for amendments to the proposed ordinance as follows:

- A. "The definitions of daytime and nighttime hours apply to property where the sound is being received" be added to the last line of Sec. 8.07.001 (a) and 8.07.001(e).
- B. Under Sec. 8.07.001 (g), insert the word "duplex unit or duplex" into the list of occupancies.

Following discussion, Chief Wallace confirmed that the officer can sign the noise complaint once confirmed the noise is in violation of the ordinance with the level registered and if the noise is not over the permitted noise level, then the citizen would sign a complaint.

A motion was made by Councilman Reyna, seconded by Councilman Manea, to approve the proposed ordinance as amended by Councilmember Nelson. Upon vote, Mayor Riley announced that the motion carried and the ordinance with the amendments from

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Councilmember Nelson was approved.

Consider removing Resolution #08-008 from the table for further consideration by City Council (City Attorney).

A motion was made by Councilman Reyna, seconded by Councilman Manea, to postpone consideration of Resolution # 08-008 until December 2, 2008. Upon vote, Mayor Riley announced the motion carried.

Consider action on Resolution # 08-008 - a request to define a policy for users and access to City's on-line community calendar (City Attorney).

No further action was taken as consideration has been postponed until December 2, 2008 by earlier vote of the City Council.

Discussion Agenda

Discussion on proposed future Volksmarch and Oktoberfest events (Mayor Riley).

Mayor Riley addressed Council stating that about six months ago she was approached by a friend who is involved with volksmarching to hold one in Leon Valley. She announced that the Volksmarch would be held on the same date of the kick-off of the 2009 Trade & Market Days. She stated that the Park Commission has been involved in this project and have already mapped out a 6.2 mile route for the Volksmarch. Mayor Riley also stated that one of the City's goals has been to promote health and fitness initiative for the City and she stated that the Volksmarch will qualify the City of Leon Valley to be part of the Governor's "Fit City" program. She then asked Park Commissioner Al Uvietta to present additional information on the Volksmarch program and possible Oktoberfest event.

Park Commissioner Al Uvietta presented ideas to develop a fun event, the Volksmarch. He presented an overview of the non-competitive event that could include a German band vanguard with a grand march at the Trade and Market Day. Mr. Uvietta explained how an Oktoberfest event could be a follow-on event and explained possibilities that could be considered for this city-wide event. He asked Council if there was an interest level in an Oktoberfest, he would set up a meeting with City embers to explore more detailed information. Councilmembers expressed support for getting more information on an Oktoberfest event.

City Manager's report (Lambert).

Holiday closure schedules

Mr. Lambert announced that City offices would be closed on November 27 and 28, 2008 for the Thanksgiving holidays and December 25 and 26, 2008 for the Christmas holidays. He noted that emergency services would continue regular service.

Citizen Leadership Classes for Feb. 2009

Mr. Lambert asked Council if they would like to offer the citizens another Citizen Leadership Program in early 2009. Various weekend dates were suggested, and the February/March time period was recommended for consideration. He stated that publicity would be put out in the December 2008 Lion's Roar.

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Date for Vision Planning Session - Jan./Feb. 2009

Mr. Lambert reported that he has not been able to get a date for the follow-up visit from the AIA for the SDAT final presentation. Dates were discussed for a Vision Planning Session but it was recommended for it to be after the SDAT final presentation. Mayor Riley recommended that more specific dates be discussed on December 2, 2008.

Citizens to be heard.

Mayor Riley asked if anyone in the audience wished to address Council. Hearing no one, Mayor Riley asked for announcements from Councilmembers.

Announcements.

Holiday events for early December

Mayor Riley announced the Holiday Lighting Ceremony of December 1, 2008, Breakfast with Santa on December 6, 2008, Trade and Market Days on December 13, 2008, and the Holiday Concert of December 14, 2008.

Keep Texas Beautiful Grant (\$3,000) for reusable shopping bags

Economic Development Director Ryan addressed Council stating that the program will help to advertise businesses in Leon Valley and will be kicked off with the Annual Earthwise Living Day.

Report on Greater Bexar County Council of Cities (GBCCC) meeting

Mayor Riley announced that the suburban cities of the Great Bexar County Council of Cities have two representatives on the VIA Board of Trustees. The term of one of those representatives, Barbara Christian, will expire soon and Mayor Riley has nominated Bill Martin to serve in her place. She stated that other nominations will be accepted at tomorrow's GBCCC lunch/meeting and that the new representative for the VIA Board of Trustees will begin their term of office on or about March 1, 2009.

Report on retirement of VIA CEO John Milam

Councilmember Nelson reported on attendance for the retirement luncheon for VIA CEO John Milam.

Holiday wishes

Councilmembers wished everyone, "Happy Thanksgiving."

Adjourn.

Hearing no further business, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 9:28 p.m.

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Approved by voted of City Council at the Regular City Council meeting of December 2, 2008